

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>JODY L. RANDALL,</p> <p>v.</p> <p>Respondent:</p> <p>JEFFERSON COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 54313</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on January 21, 2010, Diane M. DeVries and MaryKay Kelley presiding. Petitioner was represented by Pam Randall. Respondent was represented by David Wunderlich, Esq. Petitioner is protesting the 2009 actual value of the subject property.

Subject property is described as follows:

**9450 Cougar Road, Littleton, Colorado
Jefferson County Schedule No. 136301**

The subject property is a 2,436 square foot two-story log house with basement and garage built in 1984 on a 6.081 acre site in Deer Creek Mesa. The site has sloping terrain, a natural rock formation, and views of the canyon, hogback, and rock formations.

Petitioner is requesting a value of \$600,000.00 for tax year 2009. Respondent assigned a value of \$729,000.00.

Ms. Randall testified that the property was marketed with subdivision potential, which was appealing to the Petitioner, who intended to re-plat and build a second improvement. She purchased the property in October of 2006 for \$869,000.00 and learned, thereafter, that county regulations prohibited subdivision. Petitioner considered her purchase price, therefore, to be excessive.

Ms. Randall presented one comparable sale, a 3,397 square foot two-story built in 1994 on a 6.7 acre site at 9471 South Cougar Road. It sold for \$1,189,000.00 on June 26, 2008.

Ms. Randall argued that Respondent's assigned land value was inaccurate. The subject site had unusable terrain due to its 24 to 40-degree slope and should not be compared to sites with level terrain. The subject's land value should be calculated as follows: Lot 1 (2.88 level terrain) at \$84.00 per acre based on the vacant 10.180 acre sale on Whistling Elk, which sold in November of 2006 for \$83,988.00 per acre; and the remaining 3.201 steep acres valued at half or \$42.00 per acre.

Petitioner's requested value is based on a land value of \$357,920.00 and Respondent's improvement value of \$255,820.00, rounded to a total of \$600,000.00.

Respondent presented a value of \$760,000.00 for the subject property based on the market approach. The witness, Lorin Havenner, Licensed Appraiser, presented the only two comparable sales within Deer Creek Mesa during the base period. Sale 1 (2,413 square foot improvement on 1.149 acre) sold for \$755,000.00, and Sale 2 (1908 square foot improvement on 0.955 acre) sold for \$712,000.00. Adjusted sales prices were \$690,100.00 and \$764,100.00, respectively.

Mr. Havenner rejected 7491 South Cougar Road as a comparable sale because of its superior construction, identified as a Quality 5 in comparison to the subject's Quality 3.

Respondent presented sufficient probative evidence and testimony to show that the subject property was correctly valued for tax year 2009.

The Board adheres to accepted appraisal practice, which dictates that an improved site should be valued as a single entity. Petitioner's methodology of valuing the subject's site and improvement separately is contrary to standard practice. The Assessor appropriately valued the subject property as a single unit.

The Board agrees with Respondent's witness that Petitioner's sale at 7491 South Cougar Road is not comparable to the subject because of its superior quality construction.

The Board relies on the comparable sales presented by Respondent. The Board did not find that Petitioner presented any other sufficient arguments to prove, as required by statute, that Respondent incorrectly valued the subject property for tax year 2009.

ORDER:

The petition is denied.

APPEAL:

If the decision of the Board is against Petitioner, Petitioner may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Section 24-4-106(11), C.R.S. (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

If the decision of the Board is against Respondent, Respondent, upon the recommendation of the Board that it either is a matter of statewide concern or has resulted in a significant decrease in the total valuation of the respondent county, may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Section 24-4-106(11), C.R.S. (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

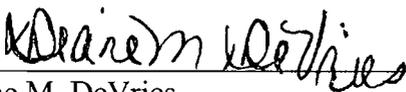
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

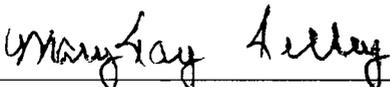
Section 39-8-108(2), C.R.S.

DATED and MAILED this 4 day of February 2011.

BOARD OF ASSESSMENT APPEALS

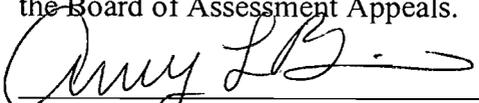


Diane M. DeVries



MaryKay Kelley

I hereby certify that this is a true and correct copy of the decision of the Board of Assessment Appeals.



Amy Bruins

